



Town of Cummington
33 Main Street
P.O. Box 128
Cummington, MA 01026
(413) 634-5354 • Fax (413) 634-5568

Zoning Board of Appeals

Instructions and Procedures for applying for Special Permits, Variances, or Appeals

1. Obtain/download this 4 page Application Packet with instructions. These are available in the vestibule of the Community House, or www.cummington-ma.gov/
2. **Please complete "Application for Special Permit, Variance, or Appeal"** (page 3). Assessors' Map and Lot numbers can be found on a recent Tax Bill or acquired from the Board of Assessors. The Assessors' meetings vary based on their schedule. The Assessors' Clerk's hours are Mondays 9:30 – 11:30 am (413-200-5010).
3. **Please complete "Assessors' Notification"** (page 4).
4. **Please prepare a scale drawing of the property.** Include all buildings and structures, and identifying features such as streets, driveways, parking spaces, rivers or streams, stonewalls, sign locations, etc. **If your application involves construction, you should also submit copies of the Plans used (or that will be used) in your Building Permit application.** In general, the more prepared and the more documentation you present, the fewer questions the ZBA will have. Questions that cannot be answered by your presentation at the Hearing often result in a delay of the process.
5. **Please call the ZBA Chair or ZBA Clerk,** that person will make a quick review of your application to make certain that it is complete. This will only take a moment or two. The ZBA member will not pass judgment on the merits of your application, but simply check to make certain that it is complete. In the past, incomplete applications have had to be returned causing delays of several weeks. This does not benefit anyone, and is extremely frustrating for both the applicant and the ZBA. It is hoped that this procedure will eliminate these situations, although ultimately the responsibility for the completeness of the application still rests with the applicant.
6. **After having had your application reviewed by the ZBA Chair or Clerk,** please mail or deliver the "Assessors' Notification" (page 4) to the Board of Assessors. The Assessors will then provide a list of abutters to the ZBA.
7. **Please bring your Application** (page 3, and any/all supporting documents) **to the Town Clerk.** You must provide seven (7) paper copies and a .PDF file* of the entire application, along with a check in the amount of \$100.00 made payable to the "Town of Cummington". This is to help defray the cost of publishing the Legal Notice of the hearing in local newspaper(s). Town Clerk's hours are Monday 8:00 - 10:00 am; Thursday from 3:30 pm – 6:30 pm at the Community House (call to confirm, phone 413-200-5011).

8. A hearing will be scheduled within 65 days of the Town Clerk's receipt of the completed application. The applicant, all abutters, and all town Boards are notified by mail of the time and date of the hearing. Notice of the hearing is also published in the "Legal Notice" section of the local newspaper(s). Hearings take place at the Community House.
9. After the hearing, the ZBA makes its decision within 90 days. The decision is then filed with the Town Clerk within 14 days. Notice of the decision is mailed to all town Boards and abutters. The Town Clerk holds the decision for 20 days to see if anyone appeals it. If the decision is not appealed, the applicant may obtain from the Town Clerk the "Notice for Recording" and take this form to the Registry of Deeds for recording, and then return a signed copy to the Town Clerk, who then files it with the record of the proceedings.

* The .PDF file may be emailed to the ZBA clerk at: mholden@cummington-ma.gov
It is also possible that the .PDF requirement **may** be waived for applications of nominal length, at the discretion of the clerk.

My name is Matt White. Recently, I received a phone call from the owner of my old quarry on Rte 19 Cummington. In the call, I was offered my quarry back. I have agreed, signed a P & S agreement and hope to have a second opportunity in the stone quarry business. After reviewing the current "permit" that T & J Stone Properties LLC operates under, I'd like to honor the exact rules that they operate under. My goal is to continue work in the quarry and obey all of the rules under the permit. I am very familiar with the quarry and have also built a masonry business where I use golden stone regularly. With the blessing of the town and neighbors, I look forward to becoming part of the town again. Thank you so much for your time and your considerations!

(If more detailed information is needed let me know)

Sincerely,
Matt White



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Zoning Board of Appeals

Application for Special Permit, Variance, or Appeal

Name of Applicant: Matt White

Applicant's Mailing Address: 346 Elm St
Pittsfield Ma. 01201

Location of Property: 0 BERKSHIRE TRAIL 032.0-0008-0000.0
(Street number and name, and Assessors' Map and Lot numbers)

Applicant is prospective buyer. (Owner, tenant, licensee, prospective buyer, etc.)

Applicable section(s) of the Zoning By-law: SECTION 5-20 GRAVEL BANK, QUARRY, ETC. ^{MH}

(It is very important that you cite all applicable sections of the Zoning By-law from which you are seeking relief. At the hearing the ZBA can only decide on matters that were included in the published/posted Public Notice of the hearing. The reasoning being that the public has the right to offer input on any given matter and be present at the hearing, but if they weren't accurately informed as to the nature of the hearing, how could they know whether or not to participate?)

Date of denial or Notice of Violation (if applicable) by the Building Inspector, Planning Board, etc. _____ (Please include a photocopy of denial or Notice of Violation.)

Please describe the nature of your request: (If necessary, use the back of this page, or attach a page to it.)

I'm looking to buy back my stone quarry in Cummington, Rte. 9. I'd look to operate under the existing permit provisions. No changes from existing permit.

I request a hearing before the Zoning Board of Appeals in regard to the matter stated above.

Applicant's Signature: Matt White Date: 02/23/23 ^{MH}

ZBA Chair or Clerk's Signature: [Signature] Date: 02/23/23

Received from Applicant, the amount of **\$100.00** to apply toward advertising costs and expenses.

Town Clerk's Signature: _____ Date: _____
The Town Clerk cannot accept this application until after the ZBA Chair or Clerk has signed in the box above.

Quarry Site (Rte. 9, Cummington, Ma.)

My plan is to operate in the same area that has been opened up for existing operation. The area has been opened up in a way that the quarrying is moving forward has a lot of space for staging and safety. My business will "mirror" existing quarry activity in the area. Drill, blast, extract and separate. The quarry already has ~~an~~ an established "rock face" where the current owners have been operating. I will continue work on that ~~rock~~ rock ledge (face) and move forward for future extraction. Site work has been established already making my transition a bit easier. I intend to start activity this spring. I hope this helps explain the site better for you all to understand.

Sincerely,
Mark W. H.